

PROB 12C  
(7/93)

**United States District Court**  
**for**  
**District of New Jersey**  
**Petition for Warrant or Summons for Offender Under Supervision**

Cr.: 00-0035-10

Name of Offender: Richard Portela

Name of Sentencing Judicial Officer: HONORABLE JOHN W. BISSELL  
CHIEF UNITED STATES DISTRICT JUDGE

Name of Newly Assigned Judicial Officer: HONORABLE JOSEPH A. GREENAWAY  
UNITED STATES DISTRICT JUDGE  
(Transfer effective March 7, 2007)

Date of Original Sentence: 03/26/02

Original Offense: Conspiracy to Distribute Marijuana

Original Sentence: Imprisonment - 24 months; Supervised Release - 3 years; Fine - \$3,000; Special Assessment - \$100; Special Conditions - Drug Treatment, Financial Disclosure, and No New Debt,

Type of Supervision: Supervised Release

Date Supervision Commenced: 04/13/04

Assistant U.S. Attorney: Leslie Schwartz

Defense Attorney: Richard Jasper

**PETITIONING THE COURT**

- ☐ To issue a warrant  
☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

| <u>Violation Number</u> | <u>Nature of Noncompliance</u> |
|-------------------------|--------------------------------|
|-------------------------|--------------------------------|

1

The offender has violated the supervision condition which states 'You shall not commit another federal, state, or local crime.'

On February 5, 2007, the offender was served a criminal summons in Forsyth County, North Carolina, for Communicating Threats and Reckless Driving to Endanger (07CR51264). On March 1, 2007, the offender was convicted of Reckless Driving to Endanger in Forsyth County District Court, Winston-Salem, North Carolina. He was sentenced to 72 hours incarceration (suspended), 18 months unsupervised probation, a \$100 fine, and \$10 court cost. The Communicating Threats charge was dismissed by the Court. This offense involved Ms. Kerry Bruno on January 16, 2007. Ms. Bruno was a former roommate of the offender, who has since become a 'victim' and a 'complainant.'

Mr. Portela has a pending Threatening Phone Call (07CR97482) charge in Guilford County District Court, Greensboro, North Carolina, set for a hearing on April 4, 2007. This charge was taken out by Ms. Bruno on November 3, 2006. The phone call

allegedly took place on October 23, 2006, after Ms. Bruno allegedly assaulted Mr. Portela's wife, Nicole.

On March 1, 2007, during an office visit, Mr. Portela admitted to a speeding citation in the state of Virginia in 2006. It has been verified that Mr. Portela was charged on November 4, 2006, in Shenandoah County, Virginia, with Reckless Driving - Speeding in Excess of 80 mph (GT06016461-00). He was convicted of this offense in absentia. His fine and court costs were paid December 4, 2006.

2

The offender has violated the supervision condition which states 'You shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.'

On August 5, 2005, the offender was stopped by the Bergen Police Department and issued a ticket for Disregarding Stop Sign Regulations or Yield Sign. Portela failed to notify the Probation Office regarding this law enforcement contact.

On March 4, 2006, the defendant was stopped by the Margate Police Department and issued a ticket for Driving or Parking an Unregistered Motor Vehicle. Portela failed to notify the Probation Office regarding this law enforcement contact.

On June 16, 2006, the offender was stopped by Fort Lee Boro Police for Failure to Display RPP Permit Voucher or Hang Tag. Portela failed to notify the Probation Office regarding this law enforcement contact.

On December 22, 2006, the offender was served by Kernersville Police Department, Kernersville, North Carolina, with a criminal summons out of Guilford County, North Carolina, for a Threatening Phone call. Portela failed to report this law enforcement contact to the Probation Office. These charges are pending.

3

The offender has violated the supervision condition which states 'You shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.'

Portela submitted his August and September reports late, specifically on November 1, 2006. The offender did not provide complete and truthful information regarding the persons living with him from August through September 2006. Ms. Kerry Bruno relocated to North Carolina with Portela's family and she lived with them from August 1, 2006, to September 15, 2006. She was not reported as required. In addition, he listed his employment as Ebay Sales for September 2006, October 2006, as an Ebay Merchant for November and December 2006, and as an Ebay Marketer for January 2007. Total income reported for those months was \$8,300; however, the offender has failed to submit any verification of his Ebay income or sales transactions. He also failed to report the following law enforcement contacts/new charges: Disregarding Stop Sign Regulations or Yield Sign in Bergen County, New Jersey, on August 5, 2005; Driving or Parking an Unregistered Motor Vehicle in Margate, New Jersey, on March 4, 2006; Failure to Display RPP Permit Voucher or Hang Tag in Fort Lee Boro, Fort Lee, New Jersey, on June 16, 2006; Reckless Driving - Speeding in Excess of 80mph in Shenandoah County, Virginia, on November 4, 2006; and Making a Threatening Phone Call from Guilford County, North Carolina on December 22, 2006.

Finally, the offender failed to report truthful information on his Monthly Supervision Reports regarding his having contact with anyone with a criminal record. In fact, Portela has falsified these reports by checking "No" to the question which states, "Did you have any contact with anyone with a criminal record?" Although the specific months in which contact occurred is unknown, on March 1, 2006, the offender admitted to having phone contact with Louis B. Pierro, not only a convicted felon, but a codefendant in Portela's case.

*We believe the inaccurate and false statements provided on his monthly supervision report not only constitute a violation of his release, but also a federal law violation (18 U.S.C. § 1001).*

4

The offender has violated the supervision condition which states 'The defendant shall provide the U.S. Probation Office with full disclosure of his financial records to include yearly income tax returns upon the request of the U.S. Probation Office. The defendant shall cooperate with the probation officer in the investigation of his financial dealings and shall provide truthful monthly statements of his income.'

Portela has failed to provide verification of the \$8,300 in reported income from his alleged employment in Ebay sales from September 2006 - January 2007. This employment and income was reported on his September 2006 - January 2007 monthly supervision reports.

The offender failed to produce his credit card statements from Capital One, Inc., as directed.

Portela failed to submit any financial documents related to the \$309,000.00 purchase of the residence at 518 Bent Creek Trail, Kernersville, North Carolina. Offender submitted a letter signed by his mother-in-law stating she purchased the residence and makes the monthly payments.

The offender has reported that he and his wife have received large inheritances from his uncle and his father-in-law. Despite instruction to provide documentation to support these statements, he has failed to comply.

5

The offender has violated the supervision condition which states 'You shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.'

On February 27, 2007, the probation officer received information that the offender had been in contact/association with a person known as "Fat Louis." When questioned about this on March 2, 2007, Portela admitted occasional phone contact with Louis B. Pierro, a convicted felon, and one of the offender's co-defendants. Portela has not been granted permission for this association.

6

The offender has violated the supervision condition which states 'You shall not leave the judicial district without the permission of the Court or Probation Officer.'

The probation officer has received information that Portela and his family traveled to Ft. Lauderdale and Orlando, Florida, in June of 2006. On March 2, 2007, the offender denied any travel to Florida in June of 2006. The probation officer has a signed statement from Ms. Kerry Bruno who was with Portela and his family there in June 2006. Additionally, the Probation Office is in possession of a photograph taken by Ms. Bruno of Portela and his family at DisneyWorld during this trip. It is noted that the back of the photo has a 'date of development' as June 22, 2006. The offender had not been granted permission by the Court or Probation Office to travel to Florida.

7

The offender has violated the supervision condition which states 'You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.'

As noted above, Portela failed to follow instructions regarding the submission of financial documentation. Furthermore, he denied travel to Florida in June 2006, despite the Probation Office's possession of a signed statement by a witness, and a photograph taken of the offender and his family while in Orlando, Florida, in June 2006.

I declare under penalty of perjury that the foregoing is true and correct.

*Christine M. Rennie*  
By: Christine M. Rennie  
U.S. Probation Officer  
Date: 03/07/07

THE COURT ORDERS:

- [ ☒ ] The Issuance of a Summons. Date of Hearing: *April 9, 2007 at 2:00 pm.*  
[ ☐ ] The Issuance of a Warrant  
[ ☐ ] No Action  
[ ☐ ] Other

*[Signature]*  
\_\_\_\_\_  
Signature of Judicial Officer  
*3-15-07*  
\_\_\_\_\_  
Date